

## REMARKS

A clean copy of amended claims 1-3 is submitted herewith.

The Examiner rejected claims 1 and 3 under 35 U. S. C. § 102(e). The Examiner relied on Studin, U. S. Patent 6,337,076 B1, to support this rejection. According to the cover sheet of Studin, the application (U. S. S. N. 09/441,138) which matured into the Studin patent was filed on November 17, 1999. The present application is a continuation of U. S. S. N. 09/173,990 which was filed on October 16, 1998. Further, U. S. S. N. 09/173,990 claims priority to U. S. S. N. 60/063,754, filed October 17, 1997. Since the present application antedates the filing date of Studin by more than two years, Studin is not prior art against the present application. Accordingly, the rejection of claims 1 and 3 based on Studin is overcome.

The Examiner rejected claim 1 under 35 U. S. C. § 102(b). The Examiner relied on Lee, U. S. Patent 5,552,162, to support this rejection. The Examiner expressed the belief that "Lee discloses a method of covering scar surface with a silicone-based gel" and referenced Lee, column 5, lines 5-15, in support of this position. Lee, column 5, lines 5-15 reads as follows:

An additional method that has been observed empirically to result in general improvement in the appearance and size of treated scars involves covering the scar surface with a wound dressing fabricated from a silicone-based gel [Quinn, K. J., et al., *Burns* 12, 102-108 (1985); Quinn, K. J., *Burns* 13, S33-S40 (1987); Mustoe, T. A., et al., *Surgery* 106, 781-787 (1989).] Quinn et al. used a gel, such as that available from Dow Corning, Arlington, Tex., marketed under the name SILASTIC® gel, and as further described in U.S. Pat. Nos. 4,991,574 assigned to Dow, and 4,838,253 assigned to Johnson & Johnson, herein incorporated by reference.

Lee does not discuss the application of fluid silicone gel, such as the Kelo-Cote fluid silicone gel specifically identified in this application, its immediate parent, and grandparent provisional application, to a scar. The teaching of Lee is specifically recognized in the background of the present application, for example, at page 3, lines 12-16: "A variety of treatments for hypertrophic scars and keloids have been advocated in the past. These include \* \* \* silicone gel sheeting \* \* \* ." Claim 1 has been amended to make clear this distinction from Lee.

Accordingly, reconsideration of the § 102(b) rejection of claim 1 based on Lee is requested.

The Examiner rejected claims 1-3 under 35 U. S. C. § 102(b). The Examiner relied on Pocknell, U. S. Patent 4,991,574, to support this rejection. The Examiner cited the following excerpt from Pocknell: "According to the present invention there is provided a surgical dressing comprising a sheet of silicone gel having a wound facing surface and a

distal surface and a film of silicone elastomer laminated to said distal surface.”

(Pocknell, column 1, lines 56-59.) Again, Pocknell does not discuss the application of fluid silicone gel, such as the Kelo-Cote fluid silicone gel specifically identified in this application, its immediate parent, and grandparent provisional application, to a scar. As was the case with Lee, the teaching of Pocknell is specifically recognized in the background of the present application, for example, in the above quote from page 3, lines 12-16 of the present application. A sheet of silicone gel is not a fluid. Pocknell’s laminated silicone elastomer film is no more a fluid than is Lee’s gel sheeting, particularly since Pocknell teaches that Pocknell’s silicone gel sheeting is laminated to a silicone elastomer film to render the silicone gel sheeting less frangible. Thus, Pocknell neither discloses or suggests application of a fluid silicone gel to a scar. Accordingly, the § 102(b) rejection of claims 1-3 based on Pocknell is overcome.

The Examiner rejected claims 4-12 under 35 U. S. C. § 103. The Examiner relied upon the combination of Lee and Tankovich, U. S. Patent 5,897,549, to support this rejection. The Examiner relied upon Lee as applied in the 35 U. S. C. § 102 rejection discussed above. The Examiner relied upon Tankovich to teach a method wherein a laser beam is directed to treat a hypertrophic scar, referring to Tankovich, col. 2, lines 39-46.

Claims 4-12 depend directly or indirectly from claim 1 which has now been amended to distinguish more clearly over Lee. Tankovich neither discloses nor suggests the above-noted elements of claim 1 which are neither disclosed nor suggested by Lee. Therefore, the combination of Tankovich with Lee does not remedy the absence of these elements from Lee. Thus, the 35 U. S. C. § 103 rejection based upon the combination of Lee and Tankovich is overcome.

An Information Disclosure Statement is submitted herewith. Applicant herewith petitions for a one month extension of the term for response to August 10, 2002. The Commissioner is hereby authorized to charge the \$55.00 fee for this one month extension of time, as well as any other fees which may be due to render this response a timely response to the April 10, 2002 official action, to Applicant's undersigned counsel's deposit account 10-0435 with reference to file 6631-27092. A duplicate copy of this authorization is enclosed for this purpose.

Respectfully submitted



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